

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

DR. WILLIAM BEN JOHNSON,

Plaintiff,

v.

DENTSPLY SIRONA, INC.,

Defendant.

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Case No. 16-CV-0520-CVE-PJC

OPINION AND ORDER

Now before the Court is defendant Dentsply Sirona Inc.'s motion for an order of civil contempt against plaintiff Dr. William Ben Johnson (Dkt. # 45). Plaintiff filed a response to this motion (Dkt. # 48), defendant filed a reply (Dkt. # 49), and plaintiff filed a surreply (Dkt. # 53).

I.

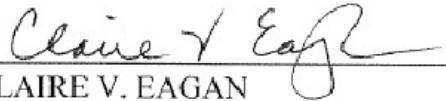
On September 27, 2017, the Court entered an order confirming the arbitrator's ruling on defendant's motion for a preliminary injunction (Dkt. # 43). The arbitrator's ruling (1) found that a 2007 agreement between the parties was valid and in effect, and (2) finally and definitively enjoined plaintiff from breaching the agreement's confidentiality and non-compete provisions during the pendency of the arbitration. Dkt. # 35-1, at 3. The arbitrator's ruling also noted that all of its conclusions were subject to revision after the final, evidentiary hearing. *Id.* at 2. That hearing was held on December 4-5, 2018, but the arbitrator has yet to issue its final award. Dkt. # 49-1, at 2; Dkt. # 53, at 7.

Defendant argues that plaintiff—during the pendency of the arbitration—has violated the 2007 agreement's confidentiality and non-compete provisions, thereby violating the arbitrator's

preliminary injunction and the Court's order confirming it. Dkt. # 45, at 1. But the arbitrator has not issued its final award, and the arbitrator reserved the right to revise all of the conclusions from its earlier ruling, including whether the 2007 agreement was valid and in effect. Accordingly, to avoid piecemeal litigation, defendant's motion for contempt is **denied without prejudice**. Defendant may re-file its motion upon the arbitrator's issuance of the final award (to the extent that the final award does not moot the arbitrator's earlier ruling and fails to account for plaintiff's alleged violation of the preliminary injunction).

IT IS THEREFORE ORDERED that defendant's motion for contempt (Dkt. # 45) is **denied without prejudice**.

DATED this 29th day of January, 2018.



CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE